HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2153 OF 2006.

Baban Raibhan Labhade and ors. ..Petitioners.

Versus.

Dasharath mahadu Divate and Ors. ..Respondents.

Shri. S. A. Rajeshirke for the Petitioners.

Smt. V. S. Mhaispurkar, A.G.P. for the respondents-State.

CORAM: S.B.MHASE, J.

DATE : MARCH 29, 2006.

P.C.

1. Heard. The proceeding under section 5 of the Mamaltdar's Court Act, 1906 was filed claiming road through the land of the petitioners. That application was allowed. As against that, revision was preferred before the Sub Divisional Officer, Niphad. In the said revision application, interim relief application was filed praying for the stay to the order of the Tahasildar. On the said application, the Sub-Divisional Officer passed the order "Call for the Record and proceedings" and issued notice to the concerned. Since no stay order is passed immediately, this petition has been filed. Even the interim application for stay is pending and is not disposed of. Under these

circumstances, this Court refrains from entertaining this petition. However, Sub-Divisional Officer, Niphad is hereby directed to dispose of the interim relief application within a period of two weeks, after giving hearing opportunity to the concerned parties, from the date of receipt of copy of this order. Petition is disposed of with these directions.

(S.B.MHASE, J.)